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April 23, 2015

VIA SUBMISSION @ FOIAONLINE.REGULATIONS.GOV

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: **Freedom of Information Act Request**

Dear FOIA Officer:

Public Service Company of New Hampshire ("PSNH") submits this request for information pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the U.S. Environmental Protection Agency's FOIA regulations at 40 C.F.R. Part 2. As described in greater detail below, this request seeks certain types of agency records pertaining to the draft National Pollutant Discharge Elimination System ("NPDES") permit for PSNH's Merrimack Station, located in Bow, New Hampshire ("Merrimack Station").

Please note that PSNH submits this request as a follow-up to its previous FOIA request relating to Merrimack Station's NPDES permit, which was dated March 24, 2014, and submitted by Linda Landis, Esq., Senior Counsel for PSNH.¹ The time frame for this request is from March 24, 2014, to present. This request excludes any information provided by PSNH to EPA but does include communications of Region 1 with EPA Headquarters, other governmental agencies, and third parties. Please provide copies of the following categories of EPA records for the limited time frame indicated above:

- (1) Any and all agency records, including but not limited to studies, reports, data, guidance documents, analyses, communications, correspondence, memoranda, meeting notes, and work papers relating to any proposed or considered NPDES permit requirement, limitation, or condition on Merrimack Station's thermal discharges to the Merrimack River pursuant to **section 316(a)** of the Clean Water Act, 33 U.S.C. § 1326(a); and
- (2) Any and all agency records, including but not limited to studies, reports, data, guidance documents, analyses, communications, correspondence, memoranda, meeting notes, and work papers relating to any proposed or considered NPDES permit requirement, limitation, or condition on Merrimack Station's water withdrawals from the Merrimack River pursuant to **section 316(b)** of the Clean Water Act, 33 U.S.C. § 1326(b); and

¹ <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2802099d5>.

- (3) Any and all agency records related to the proposed schedule for issuing the final Merrimack Station NPDES permit, including communications from David Webster to staff on the permit and responses from the permit writers, all meeting notes on this subject, and any records related to the process for finalizing and release of the Merrimack Station permit and potential challenges to the permit; and
- (4) Communications or work papers of the following EPA employees related to any aspect of the Merrimack Station NPDES permit: David Webster, Eric Nelson, and Sharon DeMeo.

For purposes of this request, the term "communication" includes any and all forms thereof related to the subject matter described above, including but not limited to emails, electronic or "instant" messaging, notes on telephone conversations, meeting notes, as well as any type of paper correspondence or memorandum. For any such communication, please also provide copies of any attachments.

As you are aware, FOIA requires EPA to provide "reasonably segregable" portions of documents which contain in part information which is exempt from disclosure under FOIA. See 5 U.S.C. § 552(b) (sentence immediately following exemptions). Please also provide a list of any such portions of documents or whole documents which EPA believes to be exempt from disclosure along with EPA's stated basis for withholding.

Given the limited time frame and scope of this request, PSNH is hopeful that EPA can comply with this request in as expeditious a manner as possible. We are willing to pay the costs associated with EPA's response to this FOIA request up to \$2,000 without further authorization. Should your response efforts reach this amount, please contact me immediately to discuss further cost assurance. If you have any questions regarding this FOIA request, please feel free to contact me any time.

Sincerely,



Spencer M. Taylor

SMT:mmr

cc: Mark Stein, Esq., EPA Region 1
Linda T. Landis, Esq., PSNH
Allan Palmer, PSNH
R. Bruce Barze, Jr., Esq., Balch & Bingham LLP
Robert P. Fowler, Esq., Balch & Bingham LLP
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